

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>DONNA CURLING, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>CA No. 1:17cv02989-AT</b>
	)	
<b>v.</b>	)	
	)	
<b>BRIAN KEMP, et al.,</b>	)	
	)	
<b><u>Defendants.</u></b>	)	

**STATE DEFENDANTS’ MOTION TO DISMISS**

Come Now the State Election Board (“SEB”), Secretary of State and Chair of the SEB Brian P. Kemp, members of the SEB David J. Worley, Rebecca N. Sullivan, Ralph F. Simpson, and Seth Harp<sup>1</sup> (hereafter “State Defendants”) through counsel, and pursuant to Fed. R. Civ. Proc. 81(c)(2)(C), hereby file their response to the Original Complaint, the operative complaint in this case.<sup>2</sup> The State Defendants move for dismissal of all claims pursuant to Fed. R. Civ. Proc. 12(b)(1) and 12(b)(6).

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<sup>1</sup> Seth Harp, while appointed to the SEB has not yet been sworn in to office.  
<sup>2</sup> Defendants Merle King and CES have not been served with process in this action.

The basis for the motion is more fully set forth in the accompanying Brief in Support of Motion to Dismiss.

Respectfully submitted,

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## **CERTIFICATE OF COMPLIANCE**

I hereby certify that the forgoing Defendants' Brief in Support of Motion to Dismiss was prepared in 14-point Times New Roman in compliance with Local Rules 5.1(C) and 7.1(D).

## **CERTIFICATE OF SERVICE**

I hereby certify that on this date I have electronically filed the foregoing **STATE DEFENDANTS' MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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I further certify that I have served, by electronic mail, the following non-cm/ecf participants:

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This 15th day of August, 2017.

/s/ Cristina Correia  
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